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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,746	08/14/2003	Ying-Hao Hsu	ACMP0131USA	1745

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
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EXAMINER
SAUNDERS JR, JOSEPH

ART UNIT	PAPER NUMBER
2615	

NOTIFICATION DATE	DELIVERY MODE
04/23/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com
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mis.ap.uspto@naipo.com.tw

	Application No.	Applicant(s)
Office Action Summary	10/604,746	HSU ET AL.
	Examiner	Art Unit	
	Joseph Saunders	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 February 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26-28</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>26-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>13 July 2007</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the communications filed February 5, 2008.

Claims 26 – 28 are currently pending and considered below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 26 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lai et al. (US 2004/0102860), hereinafter Lai, in view of Holtz et al. (US 2002/0186233),

hereinafter Holtz, Krause (US 6,931,587 B1), hereinafter Krause587, and Krause et al.

(US 6,154,757), hereinafter Krause757.

Claim 26: Lai teaches an audio player (Figure 3 and Figure 4) comprising: a memory

(storage element 31) for storing a first audio file and a first text file, the first text file

containing texts of the corresponding first audio file ("store at least one song file and at

least one image file," [0017]); a user interface (play menu, [0018]) for selecting the first

audio file; a controller (input element 38) for loading the first audio file and the first text

file; a decoder (decoder 34) for converting the first audio file into audio signals; an audio

output port (audio output element 36) for outputting the audio signals; a video output

port for displaying texts stored in the first text file on a display device electrically coupled

to the video output port (display element 35); and a text calculating circuit (CPU 30).

Lai does not specify wherein the rate at which text is displayed on the display

device satisfies the equation F=N/T, where F represents a moving frequency at which

text is displayed on the display device, T represents the duration of the first audio file

and, N represents a quantity of text stored in the first text file. Lai also does not teach

wherein the user interface is utilized for selecting a calculation mode of the audio player

for selecting the quantity of text N from a group consisting of Nc, Ns, and Np, wherein

Nc represents a number of characters in the first text file, Ns represents a number of

sentences in the first text file, and Np represents a number of paragraphs in the first text

file.

In the same field of endeavor, Holtz teaches a method of calculating the rate at

which text is displayed onto a screen ("scroll rate is measured in terms of words per unit

of time," [0135]). Holtz calculates this frequency by dividing N (Figure 5a, description

544) by T (Figure 5a, duration 543). Holtz further teaches input buttons for scrolling

through the text displayed on the display device ("activating next file button 604 causes

teleprompting system 108 to cue the next sequential script in the playlist," [0137]) and

Holtz teaches input buttons for changing the rate at which text is displayed on the

display device ("speed-up button 616 or slow-down button 618," [0135]). While Holtz

teaches how to calculate and change the scroll rate of text displayed on a device and

also teaches the quantity of text being chosen as Nw or "words per unit time", Holtz like

Lai does not teach where the quantity of text being selected from a group consisting of

Nc, Ns, and Np.

Again in the same field of endeavor, Krause587 teaches that rates "may be

defined in different units of speed (e.g., words per unit time, lines per unit time,

characters per unit time)," Column 6 Lines 14 – 17. Therefore while Holtz does not

explicitly teach rates or speeds other than "word per unit time", Holtz does teach that the

rates are adjustable via user interface and Krause587 further demonstrates that like

"words per unit time", "characters per unit time" or even "lines per unit time" can be

appropriated chosen to change the rate or speed at which text is displayed.

Krause587 also does not explicitly state where the quantity of text is selected

from a group consisting of Ns and Np. However, Krause587 states "lines per unit time"

and given the obvious logical progression of "characters per unit time", "words per unit

time", "lines per unit time", it would have been obvious to one of ordinary skill in the art

to extend this to "sentences per unit time", "paragraphs per unit time", etc. as illustrated

by Krause757, "the text block constrained at any given time may be further constrained

by assigning values to some other parameters, such as characters, syllables, words,

clauses, sentences, and paragraphs. These other parameters may be defined in terms

of the number (maximums and minimums) of each of them which are displayed per

block or per line at any one time," Column 12 Lines 31 – 36, thereby enabling more

choices as to the rate or speed at which text is displayed.

Therefore, since Lai does not specify how the frequency is calculated, it would

have been obvious to one of ordinary skill in the art at the time of the invention to

calculate the frequency of the device of <u>Lai</u> using the method of <u>Holtz</u>, <u>Krause587</u>, and <u>Krause757</u> so that the text may be "displayed to the talent who is to read the scrolling text from a display" (<u>Holtz</u> [0273]).

Claim 27: <u>Lai</u>, <u>Holtz</u>, <u>Krause587</u>, and <u>Krause757</u> teaches the audio player of claim 26, wherein the rate at which text is displayed on the display device according to the equation F=N/T, wherein N represents the number of sentences in the first text file ("the text block constrained at any given time may be further constrained by assigning values to some other parameters, such as characters, syllables, words, clauses, sentences, and paragraphs. These other parameters may be defined in terms of the number (maximums and minimums) of each of them which are displayed per block or per line at any one time," <u>Krause757</u> Column 12 Lines 31 – 36).

Claim 28: <u>Lai</u>, <u>Holtz</u>, <u>Krause587</u>, and <u>Krause757</u> teaches audio player of claim 26, wherein the rate at which text is displayed on the display device according to the equation F=N/T, wherein N represents the number of paragraphs in the first text file ("the text block constrained at any given time may be further constrained by assigning values to some other parameters, such as characters, syllables, words, clauses, sentences, and paragraphs. These other parameters may be defined in terms of the number (maximums and minimums) of each of them which are displayed per block or per line at any one time," <u>Krause757</u> Column 12 Lines 31 – 36).

Response to Arguments

4.   Applicant's arguments with respect to claim26 – 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./
Examiner, Art Unit 2615
April 16, 2008

/Sinh N Tran/
Supervisory Patent Examiner, Art Unit 2615